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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,999	03/31/2004	David Benjamin Auerbach	24207-10111	1438

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EXAMINER

MADAMBA, GLENFORD J

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/814,999	AUERBACH ET AL.	
	Examiner	Art Unit	
	Glenford Madamba	2151	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/27/2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-14, 16-25, 27-38, and 40-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Belfiore et al, U.S. Patent Publication US 2002/0059425 A1.

3. As per Claims 1 and 25, Belfiore discloses the method comprising:

determining the occurrence of a condition indicating at least one email message transfer by an email application, wherein determining the occurrence of the condition is external to the email application [Abstract] [Fig. 1] [0006] [0015] [0018] [0020-0021 & 0023] [0054] [also Section L: Scenarios, 0241]; and

identifying the email message (Protocol\_824) [Fig. 7] [0062] [0067] [0087] [0111] [0114] [0134] [0143] [0173].

4. As per Claims 3 and 27, Belfiore discloses the method of claim 1, wherein the email message transfer comprises receiving the email message [0054] [0087] [0111] [0133-0134] [0193].
5. As per Claims 4 and 28, Belfiore discloses the method of claim 1, wherein the email message transfer comprises sending the email message [0006] [0062] [0171][also Section G. Messaging [0143] (e.g. email)] [0194].
6. As per Claims 5 and 29, Belfiore discloses the method of claim 1, wherein the email application comprises a client-based email application [Fig. 1] [0047] [0143].
7. As per Claims 6 and 30, Belfiore discloses the method of claim 1, wherein the email application comprises a network-based email application [Fig. 1] [0047] [0143].
8. As per Claims 7 and 31, Belfiore discloses the method of claim 1, wherein the email application comprises a client-based email application and a network-based email application [Fig. 1] [0047] [0143].
9. As per Claims 8 and 32, Belfiore discloses the method of claim 1, further comprising storing the email event and the email message (Storage\_145) [also Section H. Storage, 0167, 0171, 0173].

10. As per Claims 9 and 33, Belfiore discloses the method of claim 1, wherein determining the occurrence of the condition comprises determining if files associated with the email application have been updated [0018] [0079-0080] (e.g. Update & Notification Services).
11. As per Claims 10 and 34, Belfiore discloses the method of claim 1, wherein determining the occurrence of the condition comprises determining if an email related operating system condition has occurred [0143] [0244] [0267] (e.g. related messages such as voice and text/email messages).
12. As per Claims 11 and 35, Belfiore discloses the method of claim 10, wherein the operating system condition comprises an email icon output on a display associated with the client device [0006].
13. As per Claims 12 and 36, Belfiore discloses the method of claim 10, wherein the operating system condition comprises an email message box output on a display associated with the client device [0070] [0086] [0143].
14. As per Claims 13 and 37, Belfiore discloses the method of claim 10, wherein the operating system condition comprises determining metadata for an email indicator

associated with the email message displayed in the email application [0155-0156]  
[0233].

15. As per Claims 14 and 38, Belfiore discloses the method of claim 1, wherein the email application comprises a network-based email application and determining the occurrence of the condition comprises analyzing a web page associated with the network-based email application [0007-0008] [0194].

16. As per Claims 16 and 40, Belfiore discloses the method of claim 1, wherein determining the occurrence of the condition comprises determining an email protocol [0173] and an email server based on analysis of settings associated with the email application or network traffic (e.g. system/application settings) [0114].

17. As per Claims 17 and 41, Belfiore discloses the method of claim 16, further comprising periodically polling the email server for new email messages [0020].

18. As per Claims 18 and 42, Belfiore discloses the method of claim 1, further comprising associating the email event with a conversation [0102] [0105] [0111] [0267].

19. As per Claims 19 and 43, Belfiore discloses the method of claim 18, wherein associating the email message with a conversation comprises:

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determining if an existing conversation relevant to the email event exists [0102]  
[0105] [0111] [0267];  
associating the email event with an existing conversation if the existing conversation  
is determined to be relevant to the email event [0102] [0105] [0111] [0267]; and  
associating the email event with a new conversation if no existing conversation is  
determined to exist that is relevant to the email event [0102] [0105] [0111] [0267].

20. As per Claims 20 and 44, Belfiore discloses the method of claim 19, wherein  
determining if an existing conversation relevant to the email event exists comprises  
an analysis of the event data associated with the email event [0102] [0105] [0111]  
[0267] [also Section E. Events, 0119, 0127, 0133-0134].

21. As per Claims 21 and 45, Belfiore discloses the method of claim 20, wherein the  
analysis of the event data comprises analysis of one or more of email message  
subject, date, content, sender and recipients [0023] [0073] [0111] [0127] [0213].

22. As per Claims 22 and 46, Belfiore discloses the method of claim 19, wherein  
determining if an existing conversation relevant to the email event exists comprises  
determining a conversation ID associated with the email message [also Section E.  
Events, 0119, 0127, 0133-0134] (i.e. Global ID) [0201].

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23. As per Claims 23 and 47, Belfiore discloses the method of claim 1, wherein event data comprises at least one of sender data, a date and time associated with the event, and content from the email message [0023] [0073] [0111] [0127] [0213].

24. As per Claims 24 and 48, Belfiore discloses the method of claim 1, wherein event data comprises a conversation ID (i.e. Global ID) [0201].

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 15, 26, 39, and 49-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belfiore in view of Dumais et al (hereinafter Dumais), U.S. Patent Publication US 2004/0267700 A1.

3. As per Claims 2 and 26, Belfiore in view of Dumais discloses the method of claim 1, further comprising:



compiling an email event from at least some event data associated with the email message [0020] [0054][0062] [also Section E. Events, 0119, 0127, 0133-0134]]  
indexing the email event.

While Belfiore discloses substantial features of the invention such as the method of claim 1 comprising determining the occurrence of a condition indicating at least one email message transfer by an email application, wherein determining the occurrence of the condition is external to the email application [Abstract] [Fig. 1] [0006] [0015] [0018] [0020-0021 & 0023] [0054] [also Section L: Scenarios, 0241]; identifying the email message (Protocol\_824) [Fig. 7] [0111], and 'indexing' of Global Ids and user profiles containing user data (according to an agreed-upon schema) in a MyState adapted directory\_905 [0203], he does not expressly disclose the feature of indexing the email event. The feature is disclosed by Dumais.

Dumais, in a similar endeavor, discloses as his invention a system and method providing content-access based information retrieval. A usage analyzer determines user accessed items and a content analyzer stores subsets of data corresponding to the items. An automated indexing component indexes the data subsets according to past data access patterns as determined by the usage analyzer. A search component responds to a search query, initiates a search across the indexed data [Abstract].

In particular, Dumais discloses that the present invention provides a unified index of information that a person has observed, whether it be *email*, web pages, office documents, calendar appointments, and so forth. Dumais' invention integrates disparate information sources into a single *index* that can be queried for information retrieval. Indexing happens automatically and is triggered by ongoing user activity, such as reading email messages [0005]. Dumais additionally discloses the 'storing of event data' for information content such as emails [0023-0024], and that a search component<sub>150</sub> extract items from the content index<sub>140</sub> such as *emails*, evaluations, documents, web page images, etc. [0027]. Dumais discloses that the emails are indexed as they are received [0038].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine Belfiore's invention with the feature of indexing the email event, as disclosed by Dumais, for the motivation of facilitating access-based retrieval of information or data [0001] [0021].

4. As per Claims 15 and 39, Belfiore in view of Dumais discloses the method of claim 1, wherein determining the occurrence of the condition comprises determining if a packet or packets received from a network comprises an email protocol {Dumais 0082} [Fig. 9].

While Belfiore discloses substantial features of the invention such as the method of claim 1 comprising determining the occurrence of a condition indicating at least one email message transfer by an email application, wherein determining the occurrence of the condition is external to the email application [Abstract] [Fig. 1] [0006] [0015] [0018] [0020-0021 & 0023] [0054] [also Section L: Scenarios, 0241]; identifying the email message (Protocol\_824, i.e., SOAP) [Fig. 7] [0111], and 'indexing' [0203], he does not expressly disclose the feature of the method wherein determining the occurrence of the condition comprises determining if a packet or packets received from a network comprises an email protocol. The feature is disclosed by Dumais.

Dumais, in a similar endeavor, discloses as his invention a system and method providing content-access based information retrieval. A usage analyzer determines user accessed items and a content analyzer stores subsets of data corresponding to the items. An automated indexing component indexes the data subsets according to past data access patterns as determined by the usage analyzer. A search component responds to a search query, initiates a search across the indexed data [Abstract].

In particular, Dumais discloses that the present invention provides a unified index of information that a person has observed, whether it be *email*, web pages, office documents, calendar appointments, and so forth. Dumais' invention integrates disparate information sources into a single *index* that can be queried for information retrieval. Indexing happens automatically and is triggered by ongoing user activity, such

as reading email messages [0005]. Dumais additionally discloses the 'storing of event data' for information content such as emails [0023-0024], and that possible communication between a client\_910 and a server\_930 may be in the form of a 'data packet' adapted to be transmitted between two or more computer processes [0082] [Fig. 9].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine Belfiore's invention with the feature of the method wherein determining the occurrence of the condition comprises determining if a packet or packets received from a network comprises an email protocol, as disclosed by Dumais, for the motivation of facilitating access-based retrieval of information or data [0001] [0021].

5. As per Claim 49 and 53, Belfiore discloses a method comprising: determining the occurrence of a condition indicating that at least one email message has been received by an email application, wherein determining the occurrence of the condition is external to the email application and comprises at least one of determining if files associated with the email application have been updated application [Abstract] [Fig. 1] [0006] [0015] [0018] [0020-0021 & 0023] [0054] [also Section L: Scenarios, 0241], determining the occurrence of an email related operating system condition [0143] [0244] [0267] (e.g. related messages such as voice and text/email messages), and determining receipt of a network packet in an email protocol; identifying the email message, wherein the email message comprises event data; compiling an email event from at least some of the

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event data (Protocol\_824) [Fig. 7] [0062] [0067] [0087] [0111] [0114] [0134] [0143] [0173]; indexing the email event, wherein indexing the email event further comprises associating the email event with a conversation (e.g. emails received from the boss) [0111]; and storing the email event and the email message.

With regards to the limitations of determining receipt of a network packet in an email protocol, indexing the email event, wherein indexing the email event further comprises associating the email event with a conversation (e.g. emails received from the boss) [0111]; and storing the email event and the email message; while Belfiore discloses substantial features of the invention such as the method of claim 1 comprising determining the occurrence of a condition indicating at least one email message transfer by an email application, wherein determining the occurrence of the condition is external to the email application [Abstract] [Fig. 1] [0006] [0015] [0018] [0020-0021 & 0023] [0054] [also Section L: Scenarios, 0241]; identifying the email message (Protocol\_824, i.e., SOAP) [Fig. 7] [0111], and 'indexing' [0203], he does not expressly disclose the features of determining receipt of a network packet in an email protocol, indexing the email event, wherein indexing the email event further comprises associating the email event with a conversation (e.g. emails received from the boss) [0111]; and storing the email event and the email message. The feature is disclosed by Dumais.

Dumais, in a similar endeavor, discloses as his invention a system and method providing content-access based information retrieval. A usage analyzer determines

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user accessed items and a content analyzer stores subsets of data corresponding to the items. An automated indexing component indexes the data subsets according to past data access patterns as determined by the usage analyzer. A search component responds to a search query, initiates a search across the indexed data [Abstract].

In particular, Dumais discloses that the present invention provides a unified index of information that a person has observed, whether it be *email*, web pages, office documents, calendar appointments, and so forth. Dumais' invention integrates disparate information sources into a single *index* that can be queried for information retrieval. Indexing happens automatically and is triggered by ongoing user activity, such as reading email messages [0005]. Dumais additionally discloses the 'storing of event data' for information content such as emails [0023-0024], and that possible communication between a client\_910 and a server\_930 may be in the form of a 'data packet' adapted to be transmitted between two or more computer processes [0082] [Fig. 9].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine Belfiore's invention with the feature of the method wherein determining the occurrence of the condition comprises determining if a packet or packets received from a network comprises an email protocol, as disclosed by Dumais, for the motivation of facilitating access-based retrieval of information or data [0001] [0021].

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6. As per Claims 50 and 54, Belfiore discloses the method of claim 49, wherein the email application comprises a client-based email application [Fig. 1] [0047] [0143].
7. As per Claims 51 and 55, Belfiore discloses the method of claim 49, wherein the email application comprises a network-based email application [Fig. 1] [0047] [0143].
8. As per Claims 52 and 56, Belfiore discloses the method of claim 49, further comprising associating the email event with a conversation (e.g. emails received from the boss) [0111].

### ***Conclusion***

1. The Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.
2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Marejan et al Patent Publication No.: US 2004/0254938 B2  
*Computer Searching With Associations*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenford Madamba whose telephone number is 571-272-7989. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Glenford Madamba  
Examiner  
Art Unit 2151

  
JASON CARDONE  
SUPERVISORY PATENT EXAMINER